



PASHMAN STEIN
A PROFESSIONAL CORPORATION
COUNSELORS AT LAW

November 17, 2010

VIA ELECTRONIC FILING

Hon. Esther Salas, U.S.M.J
94 Martin Luther King Jr.
Federal Building and Courthouse
50 Walnut Street
Newark, NJ 07102

Re: NVE, Inc. v. Palmeroni, et al.
Civil Action No. 06-5455(GEB) (ES)
Our File No. 6026-044

Dear Judge Salas:

Pursuant to your request during the November 12, 2010 telephone conference with all counsel, the following is a summary of the Court's resolution of the issues discussed:

- 1) Counsel for Plaintiff, NVE, is permitted to withdraw its Motion for Leave to file an Amended Complaint, filed on 10/29/10 as #153 on the docket sheet, and is permitted to file a new Motion for Leave to file an Amended Complaint by November 22, 2010;
- 2) Counsel for Defendant, Jesus Palmeroni, may serve an additional set of interrogatories on NVE no later than November 16, 2010;
- 3) NVE will provide a response to the portion of the additional set of interrogatories related to Smart World, Inc. as soon as possible;
- 4) Defendant Palmeroni will file any opposition to Plaintiff's Motion for Leave to file an Amended Complaint within one week of receipt of NVE's responses regarding Smart World, but will have at least until December 6th, the normally allotted response date to plaintiff's motion;

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- 5) NVE will file its reply to Defendant Palmeroni's Opposition to its motion within one week of receipt of that Opposition;
- 6) The Motion to Quash the subpoena issued by NVE to secure accounting records for Global Marketing & Sales Group, LLC, #149 on the docket sheet, has been withdrawn and counsel for Defendant Palmeroni has agreed to allow NVE to secure records for that company without temporal limitation;
- 7) NVE's Cross-Motion to be allowed to secure records for all Palmeroni and Rosarbo companies without temporal limitation, ## 151 and 152 on the docket sheet, is also withdrawn and the parties will instead address their arguments concerning this extension of time subject to discovery in a joint letter to the Court;
- 8) NVE will respond to Third Party Palmeroni's deficiency letter within two weeks.

Pursuant to this discussion, NVE hereby withdraws its October 29, 2010 Motion for Leave to File an Amended Complaint and its October 12, 2010 Cross-Motion to extend the time period subject to discovery.

Respectfully,

/s/ Ellen W. Smith
ELLEN W. SMITH

EWS/se
pc: All Counsel of Record